

PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7+

Application Number

10/717,402

Filing Date

November 19, 2003

First Named Inventor

Randall J. Huebner

Art Unit

3732

Examiner Name

Unknown

Attorney Docket Number

ACM 356

ENCLOSURES (Check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | 1. PTO 1449 Form (4) |
| <input checked="" type="checkbox"/> Information Disclosure Statement (Fifth Supplemental) | <input type="checkbox"/> Request for Refund | 2. Copies of References (3) |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Kolisch Hartwell, P.C.

Signature

Printed name

James R. Abney

Date

January 9, 2006

Reg. No.

42,253

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Lisa Holstein

Date

January 9, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: January 9, 2006

RANDALL J. HUEBNER

Serial No. : 10/717,402

Group Art Unit 3732

Filed : November 19, 2003

For : DEFORMABLE BONE PLATES

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98

Applicant is submitting this Fifth Supplemental Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form(s). The filing of this Fifth Supplemental Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicant respectfully requests that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

CONTENT OF DISCLOSURE

This Fifth Supplemental Information Disclosure Statement includes (1) four pages of PTO-1449 forms, and (2) a legible copy of each foreign and non-patent reference, if any, listed

on the form(s). However, because this application was filed on or after July 1, 2003, no copies of U.S. patents or published U.S. patent applications are included.

FOREIGN-LANGUAGE REFERENCES

A concise explanation of the relevance of each listed reference not in the English language follows:

European Patent No. EP 0415837 A2 - This document appears to disclose a bone fixation device, as illustrated in the figures.

TIMING OF DISCLOSURE / FEE INFORMATION

This Fifth Supplemental Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, either (1) before the mailing of a first Office action on the merits, or (2) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114. Therefore, in accordance with 37 C.F.R. § 1.97(b), no fee or statement under 37 C.F.R. § 1.97(e) is required.

Please contact the undersigned with any questions or comments regarding this Fifth Supplemental Information Disclosure Statement.

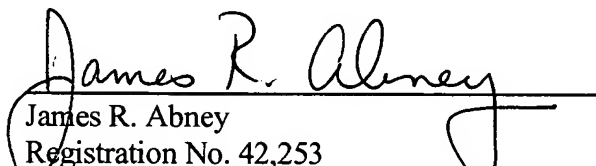
CERTIFICATE OF MAILING

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Lisa Holstein

Respectfully submitted,

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SHEET 1 OF 4

FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION			DOCKET NUMBER ACM 356		APPLICATION NUMBER 10/717,402		
			APPLICANT(S) Randall J. Huebner				
			FILING DATE November 19, 2003		GROUP ART UNIT 3732		
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.	
	1,345,425	7/6/20	Wells				
	3,244,170	4/5/66	McElvenny				
	3,346,894	10/17/67	Lemelson				
	3,386,437	6/4/68	Treace				
	3,604,414	9/14/71	Borges				
	3,842,825	10/22/74	Wagner				
	4,119,092	10/10/78	Gil				
	4,750,481	6/14/88	Reese				
	4,903,691	2/27/90	Heinl				
	4,905,679	3/6/90	Morgan				
	5,021,056	6/4/91	Hofmann et al.				
	5,085,660	2/4/92	Lin				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
	EP 0415837 A2	3/6/91	Europe				X
	WO 03/105712 A2	12/24/03	WIPO			X	
OTHER DOCUMENTS							
	Mifx Dorsal IM Plate, brochure, DVO Extremity Solutions, September, 2005.						
EXAMINER			DATE CONSIDERED				

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.	
	5,176,685	1/5/93	Rayhack				
	5,254,119	10/19/93	Schreiber				
	5,413,579	5/9/95	Du Toit				
	5,601,553	2/11/97	Trebing et al.				
	5,709,686	1/20/98	Talos et al.				
	5,722,978	3/3/98	Jenkins, Jr.				
	5,951,557	9/14/99	Luter				
	5,968,046	10/19/99	Castleman				
	6,004,353	12/21/99	Masini				
	6,007,535	12/28/99	Rayhack et al.				
	6,027,504	2/22/00	McGuire				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
OTHER DOCUMENTS							
EXAMINER				DATE CONSIDERED			

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	6,093,188	7/25/00	Murray				
	6,129,730	10/10/00	Bono et al.				
	6,159,213	12/12/00	Rogozinski				
	6,322,562	11/27/01	Wolter				
	6,623,486	9/23/03	Weaver et al.				
	6,689,139	2/10/04	Horn				
	6,730,091	5/4/04	Pfefferle et al.				
	6,821,278	11/23/04	Frigg et al.				
	6,955,677	10/18/05	Dahners				
	2002/0004660	1/10/02	Henniges et al.				
	2002/0128654	9/12/02	Steger et al.				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
OTHER DOCUMENTS							
EXAMINER				DATE CONSIDERED			

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.	
	2002/0183752	12/5/02	Steiner et al.				
	2004/0102778	5/27/04	Huebner et al.				
	2005/0015089	1/20/05	Young et al.				
	2005/0085818	4/21/05	Huebner				
	2005/0165400	7/28/05	Fernandez				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
OTHER DOCUMENTS							
EXAMINER				DATE CONSIDERED			